

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

**In re: David Fleming  
Debtor**

**Case No. 12-72971-FJS  
Chapter 13**

**OBJECTION TO CONFIRMATION OF THE  
THIRD MODIFIED CHAPTER 13 PLAN  
BY THE STANDING TRUSTEE AND  
NOTICE OF OBJECTION TO CONFIRMATION OF THE  
THIRD MODIFIED CHAPTER 13 PLAN  
BY THE STANDING TRUSTEE AND  
NOTICE OF HEARING**

*OBJECTION TO CONFIRMATION:*

Michael P. Cotter, Chapter 13 Standing Trustee, respectfully objects to confirmation by the Court of a Plan submitted by the above debtor, filed, March 19, 2013, on the following grounds, to-wit:

To date, the Debtor has failed to file the necessary adversary proceeding. Confirmation should be denied.

WHEREFORE, the Standing Trustee objects to confirmation of the proposed Chapter 13 Plan.

Michael P. Cotter VSB No. 19526  
Chapter 13 Standing Trustee  
870 Greenbrier Circle, Suite 402  
Chesapeake, VA 23320  
(757) 961-3000

***NOTICE OF OBJECTION TO CONFIRMATION:***

Michael P. Cotter, Chapter 13 Standing Trustee, has filed papers with the Court objecting to confirmation of your Chapter 13 Plan dated, March 19, 2013, which was filed in this bankruptcy case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to grant the relief sought in the Objection or if you want the Court to consider your views on the Objection, then you or your attorney must:

**Attend the HEARING** scheduled to be held on **May 14, 2013 at 10:00 a.m.** The hearing will be held in Courtroom Two, Fourth Floor, United States Bankruptcy Court for the Eastern District of Virginia, Norfolk Division, 600 Granby Street, Norfolk, Virginia.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Local Bankruptcy Rule 3015-2(D)(3) provides that as soon as possible after the filing of an objection, counsel are directed to communicate in an effort to settle the objection well in advance of any scheduled hearing on objection to confirmation.

Michael P. Cotter VSB No. 19526  
Chapter 13 Standing Trustee  
870 Greenbrier Circle, Suite 402  
Chesapeake, VA 23320  
(757) 961-3000

*NOTICE OF HEARING ON OBJECTION:*

**NOTICE IS HEREBY GIVEN** that a **HEARING** on the foregoing Objection to Confirmation will be convened on **May 14, 2013 at 10:00 a.m.** The hearing will be held in Courtroom Two, Fourth Floor, United States Bankruptcy Court for the Eastern District of Virginia, Norfolk Division, 600 Granby Street, Norfolk, Virginia.

/s/ Michael P. Cotter  
Michael P. Cotter  
Chapter 13 Standing Trustee

**CERTIFICATION**

I hereby certify that a copy of this Objection to Confirmation, and Notice was mailed on May 1, 2013, to attorney for the debtor , Steve C Taylor, Esquire, 133 Mt Pleasant Rd, Chesapeake, VA 23322; and to the debtor, David Fleming, 3346 Eight Star Way, Chesapeake, VA 23323.

/s/ Michael P. Cotter  
Michael P. Cotter  
Standing Trustee Chapter 13

Michael P. Cotter VSB No. 19526  
Chapter 13 Standing Trustee  
870 Greenbrier Circle, Suite 402  
Chesapeake, VA 23320  
(757) 961-3000